

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**L. LIN WOOD,**

**Plaintiff,**

**v.**

**PAULA J. FREDERICK, CONNIE  
S. COOPER, JEFFREY R.  
HARRIS, CASEY CARTER  
SANTAS, PATRICIA F. AMMARI,  
KAYLA E. COOPER, ELIZABETH  
L. FITE, ELISSA B. HAYNES,  
MARGARET W. SIGMAN  
PUCCINI, SHERRY BOSTON,  
ELIZABETH POOL O'NEAL,  
DAVID F. RICHARDS, JENNIFER  
D. WARD, MICHAEL FULLER,  
SR., JENNIFER ELIZABETH  
DUNLAP, CHRISTIAN J.  
STEINMETZ, III, BRANDON L.  
PEAK, TOMIEKA DANIEL,  
CHRISTOPHER SUTTON  
CONNELLY, MELODY  
GLOUTON, and DAWN JONES,**

**Defendants.**

**CIVIL ACTION FILE**

**NO.: 1:21-CV-01169-TCB**

**DEFENDANTS' MOTION TO  
STAY DISCOVERY AND  
PRELIMINARY OBLIGATIONS**

1. Plaintiff is a lawyer and a member of the State Bar of Georgia. Plaintiff is the subject of ongoing grievance proceedings. During the investigation of the grievance against Plaintiff, the State Bar requested that Plaintiff consent to a confidential, voluntary evaluation by a mental health professional, pursuant to Bar

Rule 4-104. [**Dkt. 1**, p. 10] Plaintiff filed this action asking the Court to rule that the request for voluntary mental health examination violated his constitutional rights. Plaintiff seeks damages and an order enjoining Defendants from requiring him to undergo a mental health examination. [**Id.**, pp. 37-38] Plaintiff filed a *Motion for Preliminary Injunction* on March 29, 2021. [**Dkt. 29**]

2. On May 3, 2021, Defendants moved to dismiss. [**Dkt. 34**] Plaintiff filed a response to Defendants' *Motion to Dismiss*. [**Dkts. 44 and 47-1**] Defendants filed their reply brief on May 12, 2021. [**Dkt. 52**]

3. Defendants' *Motion to Dismiss* and Plaintiff's *Motion for Preliminary Injunction* are fully briefed and ready to be decided. The Court set a hearing for both motions for May 13, 2021. [**Dkt. 38**]

4. Plaintiff moved the Court to reconsider the Order setting the hearing. [**Dkt. 39**] The Court denied that motion. [**Dkt. 40**] Three days before the hearing, Plaintiff moved for a continuance of the hearing, based on Plaintiff's speaking obligations and one of Plaintiff's attorneys testing positive for the COVID-19. [**Dkt. 50**] The Court granted that motion and postponed the hearing. [**Dkt. 51**] The hearing has not been rescheduled.

5. To preserve public and private resources, Defendants respectfully request that the Court enter an order staying discovery, the obligation to make initial

disclosures, and the obligation to submit a joint status report pending the resolution of Defendants' *Motion to Dismiss*. If Defendants' *Motion to Dismiss* is granted, it will resolve all issues in this case. There will be no need for further proceedings.

6. The Court has discretion to manage its own docket. This includes "broad discretion to stay discovery pending decision on a dispositive motion." *Panola Land Buyers Ass'n v. Shuman*, 762 F.2d 1550, 1560 (11th Cir. 1985). Further, a district court has discretion to suspend discovery pending a ruling on facial challenges to a complaint. *Claiborne v. JPMorgan Chase Bank, N.A.*, No. 1:18-CV-5542-ELR-CCB, 2019 WL 11340064, at \*1 (N.D. Ga. July 23, 2019).

7. Finally, when, as here, one of the grounds for dismissal is qualified immunity, the Supreme Court has held that, "[u]ntil this threshold immunity question is resolved, discovery should not be allowed." *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727, 2738, 73 L. Ed. 2d 396 (1982).

8. A proposed order is attached as **Exhibit A**.

Respectfully submitted this 18th day of May 2021.

**NALL & MILLER, LLP**

By: /s/ Patrick N. Arndt  
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**CERTIFICATE OF SERVICE AND OF COMPLIANCE**  
**WITH LOCAL RULE 5.1**

I hereby certify that on May 18, 2021 a true and correct copy of this document was filed with the Court via the CM/ECF system. All attorneys identified with the Court for electronic service on record in this case were served by electronic transmission in accordance with the CM/ECF system, including the following counsel of record:

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I further certify that I have prepared this document in 14-point Times New Roman font.

/s/ Patrick N. Arndt